

RECEIVED  
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2022 APR 12 AM 11:00

## UNITED STATES DISTRICT COURT

for the

SOUTHERN District of NEW YORKNEW YORK Division

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

JINJA "KING PARIAN" JOHNSON

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint.

If the names of all the plaintiffs cannot fit in the space above,

please write "see attached" in the space and attach an additional page with the full list of names.)

CAPTAIN JOHNSON (MALE), PSYCH DR. P. (MALE)DOC, RIKERS ISLAND, RMSC, NEW YORKOFFICER PARSONS (MALE) STATECLINICIAN THOMAS (FEMALE) PREA.OFFICER PUN (MALE) [REDACTED]WARDEN PHILLIPS Defendant(s) DR. BARBOSOR (MALE)

(Write the full name of each defendant who is being sued. If the

names of all the defendants cannot fit in the space above, please

write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

LEGAL AID, MELANIE DEARTH,  
(ATTACHED) JAMES GRAVES

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name JINJA "KYNIG PARIAN" JOHNSON  
 All other names by which  
 you have been known: TEAM DORK NATION THE LABEL  
 ID Number 349 2200 274  
 Current Institution R.M.S.C. RIKERS ISLAND  
 Address 19-19 HAZEN STREET  
EAST ELMHURST NY 11370  
City State Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name PHILLIPS (MALE)  
 Job or Title (*if known*) WARDEN / DEPUTY (ACTIVE)  
 Shield Number N/A  
 Employer RIKERS ISLAND (DOC)  
 Address EAST ELMHURST  
NY NY  
City State Zip Code  
☒ Individual capacity ☒ Official capacity

**Defendant No. 2**

Name JOHNSON (MALE) / M.O.B.  
 Job or Title (*if known*) CAPTAIN ~~JOHNSON~~  
 Shield Number N/A  
 Employer RIKERS ISLAND (DOC)  
 Address EAST ELMHURST  
NY NY  
City State Zip Code  
☒ Individual capacity ☒ Official capacity

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Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

(FEMALE) COLON GARCIA, ADAMS, WRIGHT  
 C/OFFICERS (MALE) MEJIA, PARSONS  
 CORRECTION OFFICERS MOORE, PUNN  
 N/A  
 Rikers Island (DOC)  
 EAST ELMHURST  
 NY NY  
 City State Zip Code

☒ Individual capacity ☒ Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

AS A WHOLE (MALE) (FEMALE) (MALE)  
 PREPARE / PSYCH DR. P. THOMAS BASSAR  
 ↓ MENTAL HEALTH  
 PSYCH - CLINICIAN DR.  
 N/A  
 Rikers Island (DOC)  
 EAST ELMHURST  
 NY NY  
 City State Zip Code

☒ Individual capacity ☒ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☒ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

STATE & LOCAL IN RETALIATION

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

JUDGES INVOLVED

3/17/22 PETERSON, L

2/29/22 SVETKEY, J

2/07/22 ~~HASH~~ HANSHAFT, J

2/3/22 LEWIS, M

RODNEY, M

COURT REPORTERS

MORRISON, SHARON

MACALUSO, LAUREN

BRADLEY, LISA

MARTINEZ, JOANN

EISENBERG, LAURIE

ALL OF THEE ABOVE  
ALL RIGHT WASNT RESERVED

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

ATTACHED AS WELL AS "311" CALL FOR  
PAPERTRAIL

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee  
☒ Civilly committed detainee  
☐ Immigration detainee  
☐ Convicted and sentenced state prisoner  
☐ Convicted and sentenced federal prisoner  
☒ Other (explain) BEING HELD CAPTIVE, NOT ARRAIGNED  
2 WEB CRIM

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

RETALIATION  
JANUARY 31, 2022 - FEB 3 2022

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

I'M A LIABILITY (NOT ARRAIGNED)  
FEB. 3, 2022 - PRESENT

C. What date and approximate time did the events giving rise to your claim(s) occur?

1/31/18 vs 1/31/22 x PRESENT (RETALIATION OF NYPD-DOC)

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

311 PAPER TRAIL, AS WELL AS PREA. ALLEGATION, ONCE A DAY OR 5-6 TIMES OUT THE WEEK. SEXUALLY ASSAULTED ON BODY CAM JAN 31, 2022 & SEXUALLY HARASSED BY MEN C/O WATCHING ME SHOWER FROM MIRROR PANEL CEILING ONLY INSTALLED IN BATHROOMS

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

EMOTIONALLY UNAVAILABLE FOR THIS BULLSHIT  
YOUTUBE KING PARIAT - "HOW I FEEL" VIDEO (YOUTUBE)

EMOTIONAL DISTRESS, PAIN AND SUFFERING,  
REGURGITATING MEMORIES OF TRAUMA

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

THE PROSECUTION OF ALL OFFICERS ESPECIALLY  
REPEATED OFFENDER OF SEXUAL HARASSMENT

50 TRILLION

\$ 50,000,000,000,000

TO MANY MEN IN THE ONLY FEMALE  
FACILITY. THEY SHOULD ONLY BE ON RECREATION  
& GARBAGE NOT BUBBLE OR FLOOR IN RMSC

OPENING <sup>OUTGOING</sup> MAIL AND PROLONGING DELIVERY.

ALSO ATTACHED COPIES OF MOTION & WEB CRIMS  
MISREPRESENTED ME PURPOSELY & WOULDN'T  
GIVE ME ALL MY DISCOVERY.  
MY EVIDENCE WAS TAMPERED W/.



**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

R.M.S.C. / D.O.C. / NYC HEALTH  
RIKERS ISLAND 19-19 HAZEN ST.

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?



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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☒ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

CONFIDENTIAL LINE / P.R. EA.

311 COMPLAINT & MAYOR OFFICE  
COMMENTS &  
COMPLAINTS

2. What did you claim in your grievance?

SEXUAL ~~ASSAULT~~ / SEXUAL ~~HARRASSMENT~~  
MULTIPLE DEGREES.

3. What was the result, if any?

NONE / ANTAGONIZATION / RETALIATION  
INTENTIONAL NEGLECT FOR INJURY  
& MEDICAL TREATMENT

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

KEPT REPORTING SITUATIONS & OFFICERS  
YES & AN INVESTIGATION IS PENDING ON  
ALLEGATIONS

(RMSC) - THEY TURNED PHONES OFF &  
HAVENT AFFORDED MY RECREATION

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A RMSC TURNS PHONE OFF, BLOCK FAMILY FROM VISITS & CALLS. SPITEFULLY DONT ~~ALLOW~~ MEDICAL TREATMENT PROVIDE.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any: - RETALIATION

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

WAS TOLD BY PREA THEY WERE GONNA PAINT CEILINGS OF DORM BATHROOMS THE BEGINNING OF MARCH, THIS STILL HASNT HAPPENED

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

## VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

## Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

JINJA "KING PARIAH" JOHNSON  
NEW YORK, CALIFORNIA, NEW JERSEY

2. Court (if federal court, name the district; if state court, name the county and State)

MANHATTAN, SO CAL

3. Docket or index number

N/A IDK

4. Name of Judge assigned to your case

IDK

5. Approximate date of filing lawsuit

2020 - 2021

6. Is the case still pending?

☒ Yes

☒ No

If no, give the approximate date of disposition.

ALLEGATION PROVEN TRUE  
NOV. 20, 2021

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

RULED IN MY FAVOR, INTERNAL AFFAIRS  
PROVED ALL ALLEGATIONS TO BE TRUE  
REOPENED CLOSED INVESTIGATION IN NY.

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

☒ Yes☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

Defendant(s)

JINJA "KING PARIAT" JOHNSON

2. Court (if federal court, name the district; if state court, name the county and State)

FEDERAL

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

2020 - 2021

6. Is the case still pending?

☒ Yes☐ No

If no, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

RULED IN FAVOR

**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

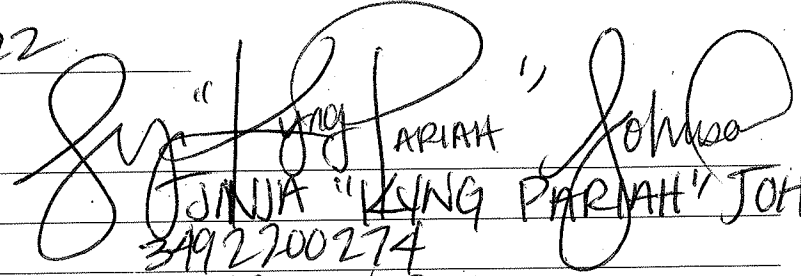
4/3/22

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

  
 JONIA "KING PARIAT" JOHNSON  
 3492700274  
 19-19 HAZEN STREET  
 EAST ELMHURST NY 11370  
City State Zip Code

**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

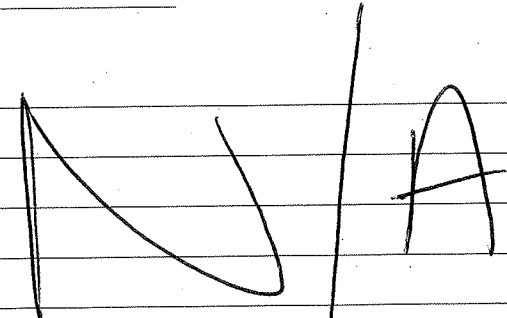
Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address

  
 N/A  
City State Zip Code  
 (416) 898-8469  
 TEAMDORKNATIONMUSIC@GMAIL.COM

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK; PART 52

-----X  
THE PEOPLE OF THE STATE OF NEW YORK

-Against-

NOTICE OF MOTION  
TO DISMISS PURSUANT  
TO C.P.L. § 190.50

Doc. No. IND-7035A-22

JINJA JOHNSON,  
AKA KYNG PARRAT Defendant.

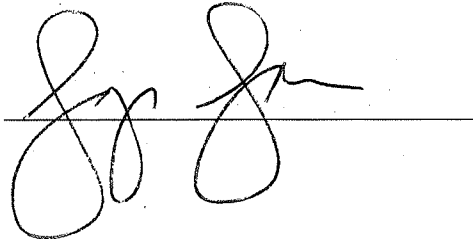
-----X  
PLEASE TAKE NOTICE, that upon the annexed affidavit JOHNSON JINJA, and  
upon the Indictment upon which the defendant was arraigned in this court on FEB 3,  
2022, the undersigned will move this Court at Part A thereof, on APRIL 13,  
2022.

Pursuant to §190.50(5)(c) and 210.20 of the Criminal Procedure Law, and for such other and  
further relief as to the Court may seem just and proper.

DATED: MARCH, NEW YORK  
~~MARCH 14~~ 14, 2022

TO: JOHN JOHNSON  
District Attorney  
NEW YORK County

Clerk of the Court  
NEW YORK County



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 52

-----X  
THE PEOPLE OF THE STATE OF NEW YORK

-Against-

JINJA JOHNSON,  
Defendant.

AFFIDAVIT IN SUPPORT OF  
MOTION TO DISMISS  
PURSUANT TO CPL 190.50  
& CPL 210.20/35

Doc. No. IND-70354-22

-----X  
JINJA JOHNSON, being duly sworn deposes and says:

1. I am the above named defendant and am personally familiar with the facts herein after stated. On JANUARY 31, 2022, at approximately 20:29,  
JINJA JOHNSON was arrested for CRIMINAL POSSESSION  
OF A LOADED FIREARM.
2. Defendant was arraigned on the 25 day of FEBRUARY, 2022 on a felony Complaint charging CRIMINAL POSSESSION  
OF A LOADED FIREARM, in violation of P.L. 265.03 03; PREVIOUS WEAPON CHARGE in violation of P.L. § 265.03 1B, and CRIMINAL POSSESSION OF A WEAPON, in violation of P.L. § 265.03 03.
3. At the criminal court arraignment on FEB 3, 2022, Defendant evoked his right pursuant to testify before the Grand Jury " notice pursuant to C.P.L. § 190.50(5)(a). Bail was fixed at \$ 150,000 bond over \$ 50,000 cash, and the case was adjourned to Part 41 for MARCH 2, 2022.
4. On the next scheduled court date, MARCH 2, 2022, Defendant Appeared in 41 and was informed that the Grand Jury had voted to indict him on FEB. 25, 2022. The case was adjourned to Part 52 in



Supreme Court for Supreme Court Arraignment on APRIL 13, 2022.

At no time during the pendency of this case was defendant's written cross Grand Jury notice withdrawn.

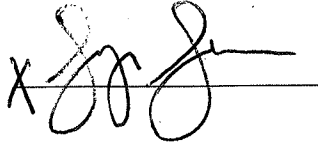
5. Defendant at all times professed his right under CPL 190.50, to testify before the Grand Jury. Because this indictment was secured in violation of Defendants rights under C.P.L. §190.50, it must be dismissed. C.P.L. § 210.20.

6. Pursuant to C.P.L. §190.50(5)(a), in a case where a person has been arraigned on a felony complaint and cross-grand jury notice is in effect, the district attorney is required to . . . notify the defendant or his attorney of the prospective or pending Grand Jury proceeding and accord the defendant a reasonable time to exercise his right to appear as a witness therein. See also People v. Evans, 79 N.Y.2d 407, 412-413, 583 N.Y.S.2d 358 (1992).

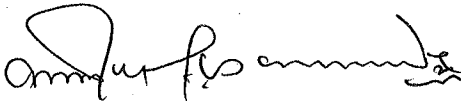
7. In this case, Defendant was not given a reasonable opportunity to testify before the Grand Jury. On FEB 25, 2022, Defendant's case was adjourned to MARCH 2, 2022, for grand jury action. Defendant had no reason to believe that any grand jury action would take place before that date; nor did he have reason to think that he would have to testify before that date. An infringement on Defendants right to testify before the Grand Jury is unreasonable and the indictment against Defendant must be dismissed. C.P.L. §190.50(5)(c) provides that an indictment obtained in violation of its provisions is "invalid" and, upon a motion made within five days after the defendant's arraignment thereon, "must be dismissed." This "creates what is a ministerial duty on the part of the Court to dismiss an indictment obtained in violation of a defendant's right to appear before the grand jury." People v. Bey-Allah, 132 A.D. 2d 76, 82, 521 N.Y.S.2d 422 (1st Dept. 1987). Therefore, the indictment against Defendant must be dismissed.

WHEREFORE, the defendant respectfully requests that this Court dismiss the present indictment.

DATED: MARCH, New York  
14, 2022



Sworn to before me this  
23 day of MARCH, 2022



NOTARY PUBLIC

ERNEST O. OMOROGRE  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01OM6152449  
Qualified in Suffolk County  
My Commission Expires 9/11/2022

## AFFIDAVIT OF SERVICE

STATE OF NEW YORK )  
COUNTY OF NEW YORK

NAME OF DOCUMENT: NOTICE OF MOTION TO DISMISS INDICTMENT FOR  
FAILURE TO TESTIFY AT GRAND JURY. CPL 190.50 210.20/35

I, JINJA "KING PARIAT" JOHNSON being duly sworn deposes and says:

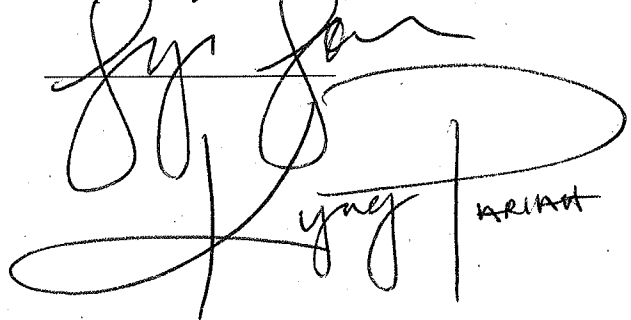
That I have on the 14 day of MARCH, 2022, placed  
submitted the within 3 copies of the following papers, to be duly mailed via the United States  
Postal Service, through the Institutional mailroom at the RIKERS ISLAND (R.I.M.S.C.)  
located at 19-19 HAZEN STREET EAST ELMHURST NY 11370, to the  
following concerned parties:

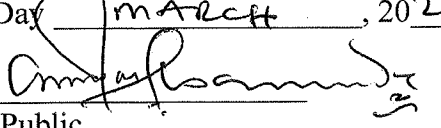
NEW YORK Supreme Court Part (52)  
OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

HON. BABER  
District Attorney, NEW YORK County  
JOHN JOHNSON

JINJA "KING PARIAT" JOHNSON, Esq  
TEAM DORK NATION  
THE LABEL

Respectfully submitted,

  
YNG PARIAT

Sworn to before me this  
18<sup>th</sup> Day of MARCH, 2022  
  
Notary Public

ERNEST O. OMOROGRE  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01OM6152449  
Qualified in Suffolk County  
My Commission Expires 9/1/2022

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK,

RESPONDENT,

-AGAINST-

JINJA "KING PARIAT"  
JOHNSON DEFENDANT.

**NOTICE OF MOTION  
FOR  
REASSIGNMENT  
OF COUNSEL  
PURSUANT TO  
COUNTY LAW § 722**

Docket No. IND-70354-22  
Indict. No. IND-70354-22  
NYSID No. 05875665J

PLEASE TAKE NOTICE, that upon the annexed affidavit of JINJA JOHNSON

JINJA, duly affirmed the 14 day of MARCH, 2022,

and upon the indictment and all the proceedings had herein, the under signed will move this Court PART 51 (CRIMINAL COURT) thereof, to be held at the courthouse located at 100 CENTRE ST. NY NY, county of NEW YORK, on the 28 day of MARCH, 2022 at 9:30 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard for an order to remove current defense counsel and replace defense counsel with another that Defendant feels is adequately representing his interest. This *Reassignment of Counsel* motion is made pursuant to New York State County Law, *Article 18-B, Sections 722*, and further, we respectfully request any further relief as the court may deem just and proper.

Yours, etc...

Jinja Johnson  
DEFENDANT

TDN  
2022

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----  
THE PEOPLE OF THE STATE OF NEW YORK,  
  
RESPONDENT,

-AGAINST-

JINJA "KING PARIAT" JOHNSON  
DEFENDANT.

-----  
STATE OF NEW YORK )  
COUNTY OF NEW YORK ) ss:

I, JINJA "KING PARIAT" JOHNSON, being duly sworn, deposes and says:

I am the defendant in the above-entitled action, and is personally familiar with the facts and circumstances herein stated.

I am a detainee presently being detained at ROSE M. SINGER CENTER listed hereunder the mailing address of 19-19 Hazen Street, Rikers Island, East Elmhurst, New York 11370, herein considered the County of the Bronx.

Whereupon, although I am personally familiar with all of the facts and statements hereinafter stated to the best of my knowledge, information and belief, I am a layperson in matters of the law and seek this Court's indulgence for errors, defects and faults pursuant to sec. 2101(f) of the Civil Practice Law and Rules.

On the 25 day of FEBRUARY, 2022, a complaint was filed in the Criminal Court of NEW YORK County, charging the said defendant with the offense(s) of CRIMINAL POSSESSION OF A LOADED FIREARM in violation of New York State Penal Law, section(s) 265.03 03; 265.03 1B

AFFIDAVIT IN SUPPORT  
OF MOTION FOR  
REASSIGNMENT OF  
COUNSEL  
PURSUANT TO  
COUNTY LAW § 722

Docket No. IND-70354-22  
Indict. No. IND-70354-22  
NYSID No. 05675665J

Arraignment of the defendant on the above-mentioned complaint took place in this Court on the 25 day of FEBRUARY, 2022, and defendant was held for Grand Jury proceedings. Subsequently, defendant was indicted for the aforementioned charges and was arraigned upon said indictment in Supreme Court, NEW YORK County, on the 3 day of FEBRUARY, 2022.

Whereupon, this Defendant respectfully requests the Court to grant this motion for *Reassignment of Counsel* pursuant to the laws, statutes, and arguments annexed herein.

My attorney of record is Mr./Ms. MELANIE D. DEARTH, Esq., and this attorney has represented me since FEB. 3, 2022. It is my position that this attorney is not zealously representing my interest in this criminal matter. Counsel has failed to provide one or more of the following:

- NO A) Visit me at my place of confinement;
- NO YES B) Provide me with in-court conference;
- NO C) Listen to my version of events;
- NO D) Keep me informed of motion status;
- NO E) Keep me informed of prosecution motion status;
- YES F) Provide me with copies of all my legal documents;
- NO G) Discuss with me possible defense strategies;
- NO H) Return my telephone calls or respond to my correspondence;
- NO I) Investigate my witnesses;
- NO J) Submit additional motions on my behalf.

Defense counsel is clearly providing ineffective assistance to defendant for the adequate preparation of defendant's defense. Counsel's legal assistance rendered thus far does not meet the "meaningful representation" standard established in New York State.



CAN YOU REINSTATE MY LEGAL TEAM  
FROM MY 18B LAWYER

THEODORE HERLICH

STATEMENT OF FACTS

THANK YOU!

TO WHOM THIS MAY CONCERN,

MELANIE DEBORAH DEARTH OF LEGAL AID  
CANNOT REPRESENT ME FOR A FEW REASONS.

- ① I'M A JEW
- ② LEGAL AID REPRESENTS THE RAPIST I  
WAS ILLEGALLY PROSECUTED FOR  
JANUARY 31, 2018
- ③ OUR FIRST CONVERSATION SHE NEVER HAD  
ANY INTENTIONS TO SEE ME FREE. SHE TOLD  
ME I WAS MENTAL ILL.
- ④ ALL OF THE REASONS ABOVE MAKE THIS  
A CONFLICT OF INTEREST.

SHE WAS SO QUICK TO 730 EVAL ME WHEN IN FACT  
I WORKED AS A DIRECT SUPPORT PROFESSIONAL &  
RECENTLY JUST TOOK ANOTHER OFFER FROM DELTA AIRLINES  
AS A PORTER UNTIL THE MANAGERIAL POSITION THE HR  
WANTED TO HIRE ME FOR OPENED UP.

ALSO SHE STATES SHE LOOKED AT THIS DISCOVERY...  
WELL I DID TOO & I'VE SEEN NUMEROUS ERRORS &  
FACTS TO BE STATED IN MY 190.50 TESTIMONY.

THE FACT SHE NEVER LOOKED AT THE BODY CAM  
WHEN THIS PHYSICAL EVIDENCE VALIDATES MY TRUTH VS  
THEIR LIE & CONSPIRACY TO NOT JUST SEXUALLY ASSAULT  
ME BUT TO CONSPIRE MY DEATH. FROM THE SAME OFFICE  
WHO TRIED TO SHOOT ME PRIOR 21 DAYS BEFORE JAN. 31  
2018 INDICTMENT (ILLEGAL) ALSO THESE OFFICERS ARE THOSE  
AS WELL AS D.A. ADAM BURBHAM WHO BEAT ME FROM THE  
AGE 12 - 15 YEARS OLD... 2007.



### LEGAL ARGUMENT

Assigned Defense Counsel failed to investigate, prepare for trial, and take prompt action to protect Defendant, tendering the representation less than meaningful. Counsel has a duty to conduct an investigation. To be meaningful, the right to counsel, "requires the guiding hand of counsel at every step in the proceedings." The Courts have recognized the 6<sup>th</sup> Amendment, right to counsel does exist and is needed in order to protect the fundamental right to a fair trial and that a person who happens to be a lawyer is present at trial alongside the defendant, however, is not enough to satisfy the Constitutional requirement. Counsel must confer with defendant without undue delay and as often as necessary to advise defendant of his/her rights and to elicit matters of defense or to determine potential and unavailable defenses. Counsel must conduct appropriate investigation; both factual and legal to determine defense strategy and to allow counsel enough time for reflection and preparation for trial. The right to effective representation includes the right to assistance by counsel who has reviewed and prepared both the law and the facts relevant to the case.

The importance of counsel's undivided allegiance and faithful service to the defendant is fundamental, irrespective of counsel's personal opinion as to the validity of the defendant's claims. Counsel is responsible to provide defendant with his/her best advice, but not only consult, counsel must also take into account defendant's needs and desires. Counsel can deprive a defendant of the right to effective assistance, simply by failing to render adequate legal assistance.

Public Defenders and appointed counsel are held to the same standards of competence and integrity as privately retained lawyers. The duty of zealous advocacy has an important basis under the 6<sup>th</sup> Amendment right to counsel and it leads to fair, more certain results in criminal cases. "An accused right to be represented by counsel is a fundamental component of our criminal justice system. Lawyers in criminal cases are necessities, not luxuries." Their presence is essential because they are the means through which the other rights of the defendant are secured. Without counsel, the right to a trial itself would be "of little avail." Of all rights that a defendant has, the right to be represented by counsel is by far the most pervasive for it affects his ability to assert any other rights he may have.

The fundamental right to effective assistance of counsel is recognized not for its own sake, but because of the effect it has on the ability of the defendant to receive a fair trial in an adversarial system of justice. What constitutes effective assistance of counsel may vary according to the unique circumstances of each representation, but counsel has the duty to prepare for trial, to investigate, and advocate on the behalf of the defendant.

The standards endorsed by the American Bar Association project on the Criminal Justice are in part:

Section 3.1 (a) - a lawyer must establish a relationship of trust with his client;

Section 3.8 - the lawyer has a duty to keep his client informed of the developments in the case and the progress of preparing the defense;

Section 3.8 (c) - the interview should be carried out in private and the lawyer must protest against barriers to the development of a reasonable lawyer client relationship;

Section 6.1 (d) - the commentary in this section notes that the lawyer's duty is to determine from the knowledge of all the facts whether the client is guilty in law, now in some moral sense, and the lawyer must employ ingenuity to locate witnesses.

The right to counsel is guaranteed by the Federal and State Constitutions (U.S. Const., 6<sup>th</sup> Amen.; N.Y. Const., Art. I, Section 6). The enforcement of this right, however, calls for more than merely pro forma appointment of, or service by a member of the Bar, the legal assistance must be effective. To insure that it is, trial judges have a continuing legal duty, not to be lightly taken, to see to it that the proceedings are conducted with the solicitude for the essential rights of the defendant. They should carefully evaluate serious complaints about counsel.

An unprepared or disinterested lawyer does not provide defendant with effective assistance of counsel. In this matter, assigned counsel has demonstrated actions inconsistent with "meaningful representation." Defendant has lost all confidence in his/her attorney's ability to represent him/her in the pending case. The failure of counsel to render adequate assistance constitutes a denial of Defendant's rights and requires counsel's removal.

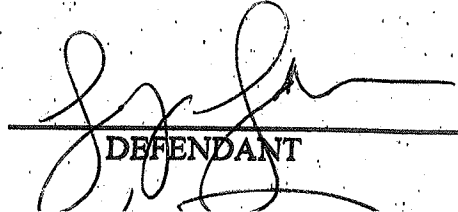
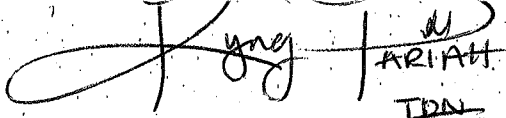
The Defendant respectfully requests the right to make any and all further motions as may be necessary as a result of information and disclosure from the granting of the

requests made herein and/or information received from any record within a reasonable time.

No other application for the relief sought herein has been made to this or to any other court.

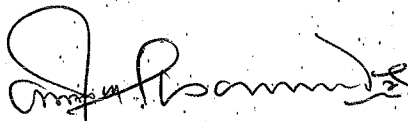
WHEREFORE, this Defendant respectfully prays that an order be issued granting this motion pursuant to the aforesaid sections of the New York State County Law and taking into consideration the facts and argument annexed herein, or, in the alternative, an order be issued granting partial relief, or whatever relief the Court sees and deems fit and appropriate to insure the swift and proper administration of justice.

Yours, etc...

  
\_\_\_\_\_  
DEFENDANT  
  
KING / ARIAH  
IDN  
2022

Sworn to before me this

18<sup>th</sup> day of MARCH, 2022



NOTARY PUBLIC / COMMISSIONER OF DEEDS

ERNEST O. OMOROGRE  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01OM6152449  
Qualified in Suffolk County  
My Commission Expires 4/11/2022

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )  
COUNTY OF NEW YORK ss:

I, JINJA "KING PARIKH" JOHNSON, being duly sworn deposes and says:

That I have on the 14 day of MARCH, 2022, placed and submitted the original and copies of this motion to be duly mailed via the United States Postal Service, through the institutional mailroom of the R.M.S.C Correctional Facility. Said moving papers were mailed to the following concerned parties:

Supreme Court  
NEW YORK County  
100 CENTRE STREET  
NEW YORK NY 10007

District Attorney  
NEW YORK County  
JOHN JOHNSON  
NEW YORK NY

MELANIE DEARTH, Defense Counsel  
49 THOMAS STREET  
NEW YORK NY

Sworn to before me this  
18<sup>th</sup> day of MARCH, 2022.

[Signature]  
NOTARY PUBLIC / COMMISSIONER OF DEEDS

**INSTRUCTIONS**

ERNEST O. OMOROGRE  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01OM6152449  
Qualified in Suffolk County  
My Commission Expires 11/1/2022

Yours, etc..  
[Signature]  
DEFENDANT  
Jinja "King Parikh" Johnson  
TDN  
2022

## New York State Unified Court System

## WebCriminal

## Case Details - Summary

## CASE INFORMATION

Court: **New York Supreme Court - Criminal Term**  
Case #: **IND-70354-22**  
Defendant: **Johnson, Jinja**

ACCURATE

## Defendant

Name: **Johnson, Jinja**  
Birth Year: **1991**

## Incident and Arrest

## Incident

Date: **January 31, 2022**  
CJTN: **69852102N**

## Arrest

Date & Time: **January 31, 2022 20:29**  
Arrest #: **M22603479**

## Officer

Agency: **NYPD**  
Command:

COMPARE  
TO WEBCRIM  
#2  
WEBCRIM  
#1

## Attorney Information

## Defense Attorney

Name: **Dearth, Melanie Deborah**  
Type: **Legal Aid**  
Court Date: **March 2, 2022**  
Court Part: **41G**  
Address: **49 Thomas Street, New York, NY 10013**  
Phone: **212 - 732 - 5000**

## Assistant District Attorney

Name: **New York County District Attorney,**  
Assigned: **February 10, 2022**

## Next Appearance

Date: **April 13, 2022**  
Time: **09:00 AM**  
Court: **New York Supreme Court - Criminal Term**  
Part: **52**

## New York State Unified Court System

## WebCriminal

## Case Details - Appearances

## CASE INFORMATION

Court: **New York Supreme Court - Criminal Term**  
Case #: **IND-70354-22**  
Defendant: **Johnson, Jinja**

Date/ Time	Judge/ Part	Calendar Section	Arraignment/ Hearing Type	Court Reporter	Outcome/ Release Status
04/13/2022 09:00 AM	52	MISCELLANEOUS			
03/02/2022	Rodney, M 41G	MISCELLANEOUS	Regular	Eisenberg, Laurie	Pled Not Guilty Bond \$150,000 Cash \$50,000 (Not Posted)
02/10/2022	Unknown, UCMSMISC	MISCELLANEOUS	Not Arraigned	Not, On File	True Bill

## New York State Unified Court System

## WebCriminal

## Case Details - Charges

## CASE INFORMATION

Court: **New York Supreme Court - Criminal Term**  
Case #: **IND-70354-22**  
Defendant: **Johnson, Jinja**

Charge	Detail	Disposition/Sentence
PL 265.03 03 **TOP CHARGE**	<b>C Felony, 1 count, Arrest charge, Not an arraignment charge</b> Description: <i>Cpw-2nd: Loaded Firearm</i> Indictment Count: <i>2</i> Weapon/Drug: <i>Unspecified</i>	
PL 265.03 1B	<b>C Felony, 1 count, Arrest charge, Not an arraignment charge</b> Description: <i>Cpw-2nd: Loaded Firearm</i> Indictment Count: <i>1</i> Weapon/Drug: <i>Unspecified</i>	

NOT  
ON  
WEBCRIM  
#1

POINT OF INTEREST



## New York State Unified Court System

## WebCriminal

## Case Details - Summary

## CASE INFORMATION

\* Court: **New York Criminal Court**  
Case #: **CR-002480-22NY**  
Defendant: **Johnson, Jinja**

NON  
ACCURATE

## Defendant

Name: **Johnson, Jinja**  
Birth Year: **1991**

## Incident and Arrest

## Incident

Date: **January 31, 2022**  
CJTN: **69853422J**

## Arrest

Date & Time: **February 1, 2022 19:40**  
Arrest #: **M22603600**

## Officer

Agency: **NYPD**  
Command:

WEB  
CRIM

#2

## Attorney Information

## Defense Attorney

Name: **Dearth, Melanie Deborah**  
Firm: **Legal Aid Society-manhattan**  
Type: **Legal Aid**  
Court Date: **February 3, 2022**  
Court Part: **APAR1**  
Address: **49 Thomas Street, New York, NY 10013**  
Phone: **212 - 732 - 5000**

## Assistant District Attorney

Name: **New York County District Attorney,**  
Assigned: **February 2, 2022**

## Next Appearance

Date: **March 31, 2022**  
Time: **09:00 AM**  
Court: **New York Criminal Court**  
Part: **N**

NEVER WENT

MUSIC DROPPED  
EVERY COURT DATE

## New York State Unified Court System

## WebCriminal

## Case Details - Appearances

## CASE INFORMATION

Court: **New York Criminal Court**  
Case #: **CR-002480-22NY**  
Defendant: **Johnson, Jinja**

Date/ Time	Judge/ Part	Calendar Section	Arraignment/ Hearing Type	Court Reporter	Outcome/ Release Status
03/31/2022 09:00 AM	N	PENDING			
03/17/2022	Peterson, L N	PENDING	No Type	Morrison, Sharon	Case Continued (adjourned) Cash \$1 (Not Posted)
02/25/2022	Svetkey, J N	PENDING	No Type	Macaluso, Lauren	Case Continued (adjourned) Cash \$1 (Not Posted)
02/07/2022	Hanshaft, J N	PENDING	No Type	Bradley, Lisa	Case Continued (adjourned) Cash \$1 (Not Posted)
02/03/2022	Lewis, M APAR1	PENDING	Regular	Martinez, Joann	Case Continued (adjourned) Bond \$150,000 Cash \$50,000 (Not Posted)

## New York State Unified Court System

## WebCriminal

## Case Details - Charges

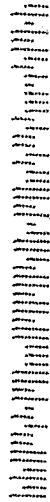
## CASE INFORMATION

Court: **New York Criminal Court**  
Case #: **CR-002480-22NY**  
Defendant: **Johnson, Jinja**

Charge	Detail	Disposition/Sentence
PL 265.03 1B	<b>C Felony, 1 count, Arrest charge, Arraignment charge</b> Description: <i>Cpw-2nd: Loaded Firearm</i>	
PL 265.03 03 **TOP CHARGE**	<b>C Felony, 1 count, Arrest charge, Arraignment charge</b> Description: <i>Cpw-2nd: Loaded Firearm</i>	
PL 120.14 01	<b>A Misdemeanor, 1 count, Arrest charge, Arraignment charge</b> Description: <i>Menacing 2nd - Weapon</i>	



JINJA "KING PARIKH" JOHNSON  
19-19 HAZEN STREET  
EAST ELMHURST, NY. 11370  
BKC # 3492200274  
TEAM DOK NATION THE LABEL

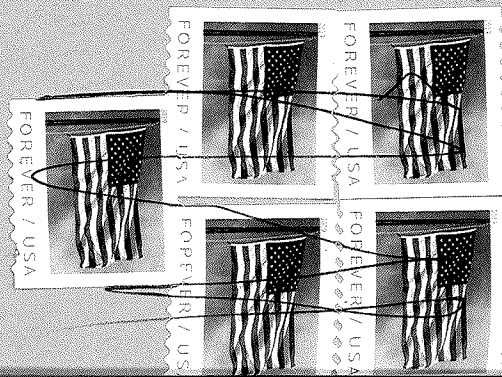


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2022 APR 12 AM 10:03

"SOUTHERN"  
UNITED STATES DISTRICT COURT  
40 FOLEY STREET / SQUARE  
NEW YORK, NY 10007

**[CONFIDENTIAL]**

US MAIL  
SDNY



LEGAL MAIL